SEX DISCRIMINATION IN EMPLOYMENT

Fourth Edition

This Manual is produced in partnership by
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which is the publisher of the printed edition.

Sex Discrimination in Employment

Fourth Edition

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Contents

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The Women's Law Center of Maryland, Inc. is a non-profit corporation comprised of lawyers, judges, law students, social service professionals and other concerned persons who seek to promote the equality of women in the letter, spirit, and practice of the law. Through litigation, education, legislation and judicial selection, the Women's Law Center aims to eliminate legal, economic, social and political discrimination against women.

In addition to Sex Discrimination in Employment, the Women's Law Center has published *The Legal Rights of Women in Marriage and Divorce in Maryland* in partnership with the Maryland Commission for Women, *The Legal Rights of Unmarried Cohabitants in Maryland*, *Battered Women—A Manual For Survival* in cooperation with the Maryland Commission for Women, and *Resuming Your Birth—Given Name During Marriage or After Divorce*.

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The Maryland Commission for Women

The mission of the Maryland Commission for Women is to advise government, advance solutions, and serve as a statewide resource to promote social, political and economic equality for women. Publications such as this enables the Commission to provide valuable information to the women and girls of Maryland and to fulfill its obligation of providing a clearinghouse of information to the citizens of Maryland.

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PLEASE BE ADVISED THAT THE PURPOSE OF THIS BOOKLET IS TO PROVIDE BASIC INFORMATION AND IS NOT TO BE USED FOR THE PURPOSES OF LEGAL ADVICE OR GUIDANCE. IN ADDITION, BECAUSE THE LAW OF SEXUAL DISCRIMINATION IS REGULARLY REFINED, REVISED OR INTERPRETED BY LEGISLATIVE, JUDICIAL AND REGULATORY BRANCHES OF GOVERNMENT, THE LAW CITED IN THIS BOOKLET MAY NOT BE CURRENT. FOR LEGAL ASSISTANCE REGARDING ANY SEXUAL DISCRIMINATION YOU MAY EXPERIENCE IN YOUR EMPLOYMENT, PLEASE CONSULT AN ATTORNEY.

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I. INTRODUCTION

As Anita Hill sat before the Senate Judiciary Committee in 1991 and described a pattern of activity known as sexual harassment, millions of women recognized themselves. In the blank stares of the 14 men that interrogated the Professor from the University of Oklahoma, they also recognized a commonplace reluctance to admit that, throughout the American workplace, from the factory line to the offices of professionals and executives, sexual harassment is far from uncommon. As if a light had been switched on, women across the United States began to reevaluate conduct that they had taken for granted, and asked themselves- many for the first time-whether their own rights had been violated.

Although sexual harassment currently represents that most prominent issue affecting women in the workplace, it constitutes just one aspect of sexual discrimination. At one time or another, many women have asked themselves one or more of the following questions:

- Have I been denied a job opportunity simply because I am a woman?
- Am I paid as well as my male colleagues who perform the same job?
- Have I been treated differently from my male colleagues due to my pregnancy?
- If I take time off from work to tend to family responsibilities, is my job secure?
- Have I been sexually harassed?

To begin asking questions is the first step toward remedying sexual discrimination in the workplace. The purpose of this booklet is to help employed women and women seeking employment understand their employment rights, recognize sex discrimination, and act to challenge discrimination when confronted with it.

FACTS ABOUT WOMEN IN THE WORKPLACE

A Majority of Women Work

In 1997, 63 million women were in the United States labor force. They constituted 47% of all workers. In 1998, 63.7% of all women worked at some time during the year. In Maryland, over 64% of women aged 16 and over were in the labor force in 1994.

Economic Need Drives the Decision to Work

In 1990, half of all Maryland women aged 15 and over were either never married, separated, divorced or widowed.

Women Continue to Earn less than Men

Although the average female worker is as well or better educated than the average male worker, women still only earn about 73 cents for every dollar that men earn, according to the U.S. Department of Labor.

Women Will Continue to Fill an Increasing Segment of the Workplace

Between 1990 and 2005, about 26 million jobs will be added to the economy. Fifteen million of these jobs will be filled by women, who will make up 62% of the net growth of people in the labor force.

Sources: *The Status of Women in Maryland*, Institute for Women's Policy Research & Maryland Commission for Women, 1995.
United States Department of Labor, Women's Bureau.
Maryland Commission on Women, Profile of Maryland Women: 1980-1990.

II. RECOGNIZING DISCRIMINATION

A wide variety of laws have been enacted to combat sex discrimination. These laws include Title VII of the Civil Rights Act of 1964, as amended in 1991, the Pregnancy Discrimination Act, and the Equal Pay Act.

The laws prohibiting employment discrimination are based on the premise that an employer must evaluate each person as an individual without regard to sex and must assess each individual's qualifications in light of the requirements of a specific job. For example, an employer cannot refuse to hire or promote women because of the belief that women typically stop working when they marry or have children. Moreover, employers cannot segregate male and female jobs because they believe men make good managers, are aggressive and take charge, or that women deal better with detail work, have patience, and can handle repetitive jobs.

Despite the existence of numerous laws protecting you from discrimination in the workplace, it is not easy to challenge your employer when you feel a law has been broken. If you have experienced discrimination on the basis of your sex, you will need patience and perseverance to remedy the situation. But, after persevering, you may be reinstated to your old job, receive back pay, or otherwise be compensated for the harmful effects of the treatment. Of course, discrimination must be challenged if it is to be stopped.

The following pages provide an overview of the laws protecting people from discrimination on the basis of sex.

A. Federal Laws Prohibiting Sex Discrimination

1. Title Vii of the Civil Rights Act

Prohibits discrimination based on race, color, religion, national origin, or sex in hiring, firing, wages, and benefits; in classifying, referring, assigning, or promoting employees; in training opportunities, retraining, apprenticeships, or any other terms, conditions, or privileges of employment.

Includes sexual harassment as discriminatory conduct that is prohibited by law.

Applies to every private employer in the United States with 15 or more employees; most states have similar laws, some of which apply to employers with fewer than 15 employees.

Requires employees to file a charge with the Equal Employment Opportunity Commission or state or local human relations commission generally within 180 days of the date that the discriminatory act took place.

Provides for a variety of remedies, including back pay, reinstatement, compensatory damages, and punitive damages.

Amended in 1991 by Congress to overrule Supreme Court decisions of the 1980's that had severely restricted the ability of discrimination victims to win their cases. For the first time, victims were permitted to bring their cases before a jury. Moreover, the act expanded remedies for discrimination beyond awards of reinstatement and back pay to include compensatory and punitive damages.

2. Pregnancy Discrimination Act

Prohibits employers from discriminating against a woman because of pregnancy, childbirth or related medical conditions. This includes firing or refusing to hire or promote a woman because she is pregnant, or discriminating against a pregnant woman in the provision of benefits or leave.

Requires employers who offer fringe benefits such as health, disability, and paid leave to treat pregnancy the same as any other disability or condition.

Provides for all of the remedies available under Title VII.

Amended Title VII to include pregnancy discrimination.

3. Equal Pay Act

Requires all employers to provide equal pay for men and women who perform equal work within

an establishment or workplace, unless the difference in pay is based on a seniority or merit system, the amount of work the employee actually produces, or any factor other than sex.

Prohibits unequal pay in the context of overtime, uniforms, travel accounts or any other type of wages. In addition, employers are not allowed to reduce the wages of any employee to eliminate illegal wage differences.

Allows victims to file suit within two years after the "cause of action" or discriminatory act occurs; cause of action arising from a willful violation may be brought within three years of the incident. ("Willfulness" means that the employer either knew or showed reckless disregard for the discrimination.)

Enforced by the Equal Employment Opportunity Commission. Complaints may also by made to the Wage & Hour Division of the U.S. Department of Labor.

Provides back pay for wages not properly paid, plus an equal amount as liquidated damages, and possibly attorney's fees, interest and costs.

4. Family and Medical Leave Act

Requires private employers of 50 or more employees to provide up to 12 weeks of unpaid leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least 12 months prior to the leave request, and during that 12 months the employee must have worked at least 1,250 hours.

Requires an employee's coverage under group health plans to be continued during FMLA leave under the same conditions as it would have had the employee remained at work.

Permits unpaid leave to care for employee's child after birth or placement for adoption or foster care; to care for the employee's spouse, child, or parent who has a serious health condition; or for a serious health condition that makes the employee unable to perform his or her job.

Allows employees who feel that their FMLA rights have been violated to either 1) file a complaint with the Secretary of Labor; or 2) file a private lawsuit. Private lawsuits must be filed within two years after the last action that was taken in violation of the Act. However, if the employer has violated the Act willfully the statute of limitations is extended to three years.

Enforced by the Wage and Hour Division of the U.S. Department of Labor. Employee may also seek relief by private law suit.

5. Executive Order 11246

Requires employers with Federal service or supply contracts of over $10,000 and employers performing federally financed construction to undertake affirmative action to prohibit discrimination based on race, color, religion, national origin or sex.

Requires employers with a contract or subcontract of $50,000 or more, and with 50 or more employees, to study the under-representation of qualified women and minorities in the employer's workforce and adopt a written plan to remedy any underutilization.

Enforced by the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP).

6. Fair Labor Standards Act

Requires employers to pay employees at no less than the minimum wage for all hours worked, plus, in many cases, time-and-one-half for all hours worked over 40 in one week.

Applies to typically undercompensated jobs, including child care, domestic services, house cleaning, and other service jobs traditionally occupied by women. Victims of employers who fail to pay minimum wage may be entitled to up to twice their back wages owed, plus attorneys' fees.

Enforced by the Wage and Hour Division of the U.S. Department of Labor. Employees may also seek redress by private law suit.

7. Women's Health and Cancer Rights Act of 1998

Requires any group health plan that covers mastectomies to also cover breast reconstruction and prosthesis and that reconstruction be required to produce a symmetrical appearance with the remaining breast as well as prosthesis and treatment for any physical complications arising from the mastectomy.

B. Maryland Laws Prohibiting Sex Discrimination

1. Laws Specifically Prohibiting Discrimination

a. Maryland's Fair Employment Practices Law

Prohibits discrimination in employment on the basis of race, color, religion, sex, age, national origin, ancestry, marital status, or physical or mental disability.

Prohibits retaliation by an employer against any employee who files a charge of discrimination with the Maryland Commission on Human Relations (MCHR).

Requires employers to treat disabilities caused or contributed to by pregnancy or childbirth on the same terms as they would treat any other temporary disability.

Applies to employers with 15 or more employees.

Requires that an employee alleging discrimination file a charge with the MCHR within six months of the date that the discriminatory act took place.

Remedies include reinstatement, and back pay, and compensatory damages.

b. Maryland's Equal Pay Act

Prohibits employers from paying male or female employees different wages for work involving equal or substantially skill, effort and responsibility, unless disparity exists is based on a merit system, a seniority system, an incentive system, or any lawful factor other than sex.

Applies to any enterprise having two or more employees and over $250,000 in gross annual sales.

Remedies include the difference in wages paid to the male and female workers, plus an equal amount as liquidated damages.

c. The Apprenticeship and Training Act

Prohibits discrimination in apprenticeship programs on the basis of race, color, religion, national origin, or sec in recruitment, selection, employment and training. Also prohibits retaliation against an apprentice for filing or assisting in an investigation of a complaint of discrimination.

Applies to all employers having apprenticeship or on-the-job training programs that are registered with the Maryland Apprenticeship and Training Council or that charge tuition or fees.

Requires employers to comply with affirmative action laws and, if the program includes more than five apprentices, the employer must have a written affirmative action plan.

Enforced by the Maryland Apprenticeship and Training Council.

d. The Code of Fair Practices

Requires contractors and subcontractors on state contracts to develop affirmative action plans to increase the participation of women and minorities.

2. Tort Laws

Although Title VII and Maryland's Fair Employment Practices Law provide the principal remedies for victims of sexual harassment, some

state tort laws provide victims of harassment the opportunity to sue for compensatory and punitive damages resulting from personal injuries suffered due to harassment. These actions include the following:

- intentional infliction of emotional distress,
- invasion of privacy; and,
- assault and battery.

In addition, where rape, physical or sexual assault, or stalking has occurred, a victim may file criminal charges against the perpetrator.

A growing number of states, including Maryland, prohibit the termination of an employee when the discharge conflicts with the state's public policy. This cause of action, called **wrongful discharge**, **abusive discharge**, or **retaliatory discharge**, arises when an employer's motivation for discharge is contrary to some clear mandate of the public policy of the state.

An example of wrongful discharge would be if an employer terminates its employee for one of the following reasons:

- exercising his or her First Amendment rights;
- taking time off from work for jury duty;
- refusing to engage in illegal activity; or,
- filing a worker's compensation claim.

In addition, if an employer is exempt under the Fair Employment Practices Act, e.g., has less than 15 employees, an employee may bring an action for wrongful discharge in a Maryland state court based on sex discrimination. Other state law claims that might be relevant in a wrongful discharge suit include intentional infliction of emotional distress, fraud, or defamation.

3. Contract Law

Maryland courts have recognized that personnel policies relating to termination and layoffs, as established in employee handbooks or manuals, may be enforceable as an employment contract. For example, if an employer states in its handbook that an employee will only be discharged for "just cause" or after a series of disciplinary procedures have taken place, the employer's failure to abide by its own policies may constitute a breach of contract. In order for the "contract" to be enforced, however, the policy must be specifically communicated to the employee and not disclaimed by the employer as not constituting a contractual obligation.

III. FORMS OF DISCRIMINATION

Sex discrimination typically occurs in one of two ways: (A) **disparate treatment** or (B) **disparate impact**. The type of discrimination you claim affects the type of proof you must provide to the investigating agency or in court.

A. Disparate Treatment

Disparate treatment occurs when an employer treats one person or group better or differently from another person or group on the basis of sex, race, color, religion, national origin, physical or mental disability or some other protected group or protected individual characteristic. When an employer admits to this behavior, it is engaging in **facial discrimination**. More often, an employer may treat people in protected groups differently, but refuses to admit it. Both types of discrimination are discussed below.

1. Facial or "Overt" Discrimination

When an employer admits that it treats its employees differently according to a certain protected factor, such as sex, disability or age, that employer is engaging in **facial or overt discrimination**. For example, an employer that advertises that it will only hire men for a certain job is engaging in facial discrimination.

When an employer can show that its exclusion of women from a certain job is based on a **bona fide occupational qualification** ("BFOQ"), the discrimination may not be illegal. Specifically, an employer may argue that it is essential that the person performing the job at issue is male. Sex constitutes a BFOQ, however, for only a very few jobs. For instance, for the job of sperm bank donor, the employee must be male, just as it is necessary for a wet nurse to be female.

A BFOQ does not include an employer only hiring men based on generalizations concerning the physical capabilities of the average woman. For example, an employer may try to argue that only men can perform certain construction jobs because the work requires strength. The law requires that if a job actually requires strength, each applicant must be permitted to prove his or her ability to perform the job.

Similarly, a BFOQ does not include an employer's refusal to hire or promote women based on stereotypes such as a "lack of aggressiveness" or a "high turnover rate". Nor will the preferences of customers or co-workers for one sex justify imposing a sex-based requirement. For example, an airline may not require its female flight attendants (but not the male flight attendants) to use cosmetics simply because it perceives that customers prefer to be served by women wearing make-up.

Another example of facial or overt discrimination that is prohibited by Title VII, as amended by the Pregnancy Discrimination Act, is the exclusion of women of childbearing age from jobs where they may be exposed to hazardous substances. As held by the Supreme Court in the 1991 case of *International Union v. Johnson Controls*, a woman's capacity to bear children does not interfere with her ability to perform the duties of her job and an unconceived fetus is not considered a third party whose safety is essential to the company or business employing the woman. Thus, your employer may not ban you from certain jobs simply because it believes that you may someday become pregnant.

To prove facial discrimination, you must show that the required qualification is not reasonably necessary to the normal operation of your employer's business. In other words, once your employer makes a BFOQ claim, you must respond by showing that your employer could do business without the requirement.

2. "Covert" Disparate Treatment

Disparate treatment also occurs when your employer treats you differently because of your sex but does not admit to treating you any differently. The central issue in these cases is whether the employer intentionally treated you less favorably because of your sex.

You may prove disparate treatment circumstantially by establishing a "prima facie case." In a case involving hiring discrimination, this would include the following factors:

You are a member of a class or group protected by law (e.g., a woman);

- ✓ You applied for and were qualified for the job;
- ✓ You were rejected despite your qualifications; and
- ✓ After your rejection, the position remained open and the employer continued to seek applications from men without your qualifications, or the employer hired a man.

The employer then has an opportunity to show a legitimate, nondiscriminatory reason for its decision. For example, the employer could show that the man had better qualifications, had good connections in the industry, or would take the job at a lower salary.

You then must establish that this supposedly legitimate reason is a "pretext" for the discriminatory reason—that is, notwithstanding your employer's explanation, the true reason for the decision was your sex. The ultimate burden of proof remains on you to prove that your employer's motive was, in fact, discriminatory.

The Following Are Examples of Disparate Treatment

1. An employer decides during a reduction in force to lay off women with more seniority than men in the same job classification because the employer believes that men, as the "primary bread winners," should be the last to be laid off.
2. An employer refuses to promote women to management positions.
3. An employer questions female job applicants about their children or marital status but does not question male applicants about theirs.
4. Men performing the same job as women receive more pay or greater benefits.

All of these practices, and many more, are illegal.

A Special Note About Mixed Motive Cases:

In some cases, an employer may discriminate against a female employee not only because of her sex, but also for another, legitimate reason. This is known as a mixed motive case.

The Civil Rights Act of 1991 requires a complainant to show only that sex was one of the factors behind the decision which hurt the employee. The Act makes any reliance on a discriminatory motive illegal. The employer can avoid liability, however, if it can show that it would have taken the same action even if it had not considered the impermissible discriminatory factor.

B. Disparate Impact

Disparate impact exists when an employer, by using an employment policy that is neutral on its face (meaning that it does not expressly state that it applies only to a particular group of people), creates the effect of excluding protected groups, such as women or minorities. Title VII prohibits such employment practices that are fair in form, but that discriminate in effect.

In disparate impact cases, you do not have to prove intentional discrimination. However, you do have to prove that the employer has a specific practice that causes the unequal treatment of a sizable number of employees.

It is then up to the employer to show that the alleged discriminatory practice both does not have a significant adverse impact, or that, despite the impact, the practice is job-related for the job in question, and is consistent with business necessity.

To rebut the employer's argument you can show that there is an alternative practice which would have a lesser adverse impact on the protected group, but which the employer refuses to consider. Be prepared to use statistics to support your arguments.

An Example of an Illegal Neutral Policy: A requirement that all truck drivers be at least 5 feet, 8 inches tall where there is no relationship between the requirement and the actual demands of the job. Such a policy results in a discriminatory effect or "impact" on women. More women than men will be excluded from the job because far fewer women than men are that tall.

IV. ENCOUNTERING DISCRIMINATION

A. DISCRIMINATION WHEN LOOKING FOR A JOB

1. Help Wanted Advertisements

An employer may not publish notices or advertisements that indicate any preference or limitation based upon sex, unless sex is a BFOQ. See above discussion on BFOQ's. Although newspapers may not list jobs in male and female columns, some employers still advertise for jobs using sex-linked headings, such as "man wanted" or "female employment". Such advertisements are generally illegal.

Newspapers also carry examples of more subtle types of discrimination. For example, a sales position might be described as a "good opportunity for the right man," or a finance management position might require "an experienced finance man." Regardless of whether an advertisement states or implies a male preference, women are entitled to apply for the job and receive equal consideration.

If you apply for a job and are rejected because of your sex, you may file a charge with the EEOC, the MCHR, or a local administrative agency.

General headings such as "salesman," "repairman," or "foreman" are not considered illegal; such terms apply to both men's and women's jobs. Many employers, however, have started using gender-neutral job titles, such as "salesperson" or "sales".

2. Employment Agencies

Title VII and other laws prohibit employment agencies from discriminating or from helping employers to discriminate. If you are discouraged from applying for certain jobs by an employment agency simply because of your sex, you may file a charge against the agency.

3. Word of Mouth Recruitment

Discrimination may occur if an employer relies primarily upon employees informing friends and relatives of vacancies. For example, when a company's existing workforce is mostly male, its employees tend to notify other males of job openings. The effect of this practice is that the workforce may remain primarily male. Although filing a charge under such circumstances would most likely prove futile, you should not hesitate to apply for such a job if you believe you are qualified.

B. DISCRIMINATION WHEN APPLYING FOR OR INTERVIEWING FOR A JOB

Discrimination laws restrict the type of questions that employers may ask job applicants. There are two general rules regarding application and interview questions. First, all questions must be job-related and related to your ability to perform the job. Second, the interviewers should ask the female candidates the same questions as the male candidates, and vice-versa.

Questions about having children may or may not be discriminatory. For example, an employer who hires no one, male or female, who has small children, may ask about children. An employer may not, however, refuse to hire women who have young children while hiring men who have young children. On the other hand, questions about birth control are almost always improper.

Again, you should be aware of "neutral" job requirements, such as height or weight requirements or ability to lift heavy objects. If these requirements are not necessary for the job, they are unfair to women in most cases and may be illegal.

Likewise, participation in varsity sports or military service cannot be required of management trainee applicants. These requirements are not necessary to management trainee job skills and have the effect of excluding women.

C. DISCRIMINATION ON THE JOB

1. Wages, Fringe Benefits and Pay Equity

Under the federal Equal Pay Act and Maryland's Equal Pay Act, it is illegal for an employer to pay women less than it pays men for performing substantially similar work. Pay includes actual wage or salary, benefits, bonuses and/or commissions. To prove that your employer

violated these laws, you must show that your salary (or other benefits) is lower than the salary of a man who works in the same establishment and whose job requires skill, effort, and responsibility equal to your job. The same "establishment" may include all of the company's branches if a central authority sets wages.

"Equal" skill, effort, and responsibility mean substantially equal. Slight differences in duties will not prevent an equal pay claim.

If a man takes a job previously held by a woman, he should not get a larger salary than she did, if the two have similar qualifications. Similarly, a woman taking a job that was performed by a man should not be given a lower salary, if she is equally qualified.

In addition, an employer may not require a female manager to perform secretarial tasks if male managers are not required to perform these tasks. Likewise, a woman cannot be required to perform administrative work on a secretarial salary if men are not required to do the same.

Part-time employees may be paid less than full-time employees, but an employer may not keep women's salaries low simply by classifying only women as part-time. Also, an employer cannot keep only women employees permanently in "temporary" positions, so that they are unable to earn sick leave, vacation pay, or other benefits.

All fringe benefits must be offered equally to both sexes. If insurance benefits are offered to a male worker's family, the same benefits must be offered to a female worker's family. In addition, insurance benefits cannot be offered only to "heads of households" when the effect is to discriminate against women.

2. Sexual Harassment

In the year after the confrontation between Anita Hill and Clarence Thomas, the EEOC logged a record 9,920 charges of sexual harassment, a rise of 50% over the previous year. Despite this increase of reported incidents, the number of charges does not nearly reflect the rate at which women experience sexual harassment on the job. National surveys reveal that up to 65% of all female workers believe they have been sexually harassed at work.

It is important to recognize that, although women comprise the vast majority of persons subjected to sexual harassment at work, men as well as women can be the victims of sexual harassment. Indeed, women as well as men can be the perpetrators of sexual harassment.

Moreover, men can harass men and women can harass women. A victim's legal options are not narrowed because he or she is of the same sex as the harasser. However, the harassment must be because of the victim's sex and based on the victim's sex.

The courts recognize two types of sexual harassment **quid pro quo harassment** and **hostile work environment**.

a. "Quid Pro Quo" Harassment

The first type of sexual harassment, called "quid pro quo" harassment, exists when an employee is forced to submit to sexual demands under the threat of discharge or other retaliation, in return for getting hired, or for getting benefits such as bonuses, raises or promotions. This type of claim also exists where an employee is retaliated against for rebuffing sexual advances, even if retaliation was not threatened in advance. If your job conditions depend on whether you give in to sexual advances, you are a victim of quid pro quo harassment.

For example, in a recent case in New York, a Columbia University work-study student filed a sexual harassment charge against her supervisor. The student worker claimed that her supervisor had demanded sex in return for raises, promotions, and other job benefits. The federal court held that the student did not have to prove that she suffered economic harm in order to bring the charge against her supervisor. In addition, the fact that the student had actually engaged in sexual relations with her supervisor did not preclude her from pursuing her suit.

b. Hostile Work Environment

The more common type of harassment is the "hostile work environment" type. As defined by the EEOC, this type of harassment involves sexual conduct that has the purpose or effect of (1) creating an intimidating, hostile or offensive working environment based on your sex; (2) unreasonably interfering with an individual's work performance; or (3) otherwise adversely affecting an individual's employment opportunities.

In the 1993 case of Harris v. Forklift Systems, Inc., the Supreme Court held that the following circumstances must be considered in evaluating whether a hostile environment exists:

① The frequency of the discriminatory conduct;

② The severity of the conduct;

③ Whether the conduct is physically threatening or humiliating, or a mere offensive utterance; and

④ Whether the conduct "unreasonably interferes with the employee's work performance."

Thus, a few isolated incidents will not amount to a finding of a hostile environment. The more pervasive and severe the pattern of offensive conduct, however, the more likely you are to prevail in a charge.

Examples of conduct that may constitute a hostile environment include a supervisor's or co-worker's frequent requests for a sexual relationship or intrusive and personal questions about your sex life, menstruation, bra size, or body. Conduct may be considered sexual harassment even if the person did not consider or intend for his conduct to be offensive.

Your own view of the conduct will be considered in the determination of whether a In most cases, an employer is automatically responsible for acts of harassment by supervisors or managers in quid pro quo harassment cases, regardless of whether the employer knew about the supervisor's conduct. Unlike most hostile environment claims (as discussed below), a quid pro quo claim may be based on a single incident. hostile environment existed. In other words, you must have been actually offended or injured by the conduct. Evidence that you were a willing participant in the conduct will most likely undermine the allegation that you felt "harassed." On the other hand, you need not show serious psychological injury in order to prevail in a sexual harassment action.

Special Considerations in Dealing with Harassment by a Supervisor

When hostile work environment is the basis of the sexual harassment claim, an employer is automatically liable for a supervisor's harassing behavior that results in a tangible employment action. A tangible employment action includes hiring and firing, promotions and demotions, job reassignments, compensation and benefit decisions, etc. These actions can usually only be performed by a supervisor or a person with authority from the company.

When the harassment does not include a tangible employment action, the employer has an affirmative defense to the supervisor's harassment. This means that the employer is not liable if it can prove that it took reasonable care to prevent and correct promptly any harassment AND the employee unreasonably failed to take advantage of any preventive or corrective opportunity provided or to avoid harm otherwise.

Special Considerations in Dealing with Harassment by a Co-Worker

In the case of co-worker harassment, the employer is only liable when it can be shown that the employer either knew or reasonably should have known about the harassment AND the employer failed to promptly and reasonably investigate and remedy the harassment. For example, an employer may be liable for permitting the display of "pin-up calendars" or other sexually explicit materials after being informed or seeing the materials in the work place and failing to remove the items.

c. Harassment Policies

If you are a victim of harassment, make sure that you review your company's anti-harassment policy. A good policy will specifically state what kind of behavior is objectionable and tell you who to report it to. If your supervisor is the culprit, the policy should have alternate means of reporting the behavior so that you do not have to go through your supervisor.

Your employer's failure to have such a policy, or their failure to make the policy available may increase their potential liability for hostile work environment claims.

d. Internal Investigations & Disciplinary Actions

Internal investigations, appropriate disciplinary action, or transfer of you or your harasser to a comparable position within the company may absolve your employer from liability for the offensive conduct. This means that even if you prove that you have been sexually harassed, your employer may not have to pay damages (compensate you for the harassment), if it has promptly put an end to the conduct.

e. Stopping and Proving Sexual Harassment

To stop sexual harassment at work or to document it for the purposes of a charge or lawsuit, the following steps are advisable (from *Stopping Sexual Harassment* by Elissa Clarke, Labor Education and Research Project, 1980):

:

① Obtain copies of any evaluations of your work, so that your employer cannot say that you were terminated, disciplined or denied other employment opportunities because of poor work performance.

② Confront the harasser directly, preferably in writing, telling him that his behavior is unwelcome, inappropriate, and will not be tolerated.

③ Keep a record of the harassing behavior, and be specific. Write down the dates, times, locations and exact words or acts, witnesses, the relationship of each witness and the harasser to you, your reactions and responses, and the reactions and comments of witnesses. Keep any notes or letters that the harasser gives to you.

④ Get information from the human resources department or designated union representative concerning your company's sex discrimination policy and grievance procedures. File a written formal complaint with the company. Follow the company's procedures step-by-step. If there are no formal procedures, go to your supervisor's boss. Keep a record of each meeting, including dates, what was said, who attended, and what happened, if anything, as a result.

⑤ Confide in co-workers. You might find a pattern of harassment, and it will help to establish your credibility in the lawsuit.

⑥ If your employer fails to take sufficient steps to stop the harassment, consider legal action. As explained later in this booklet, action begins by filing a complaint with the EEOC, the MCHR or a local human relations agency.

3. Promotions, Training and Working Conditions

Although state and federal equal pay laws are limited to correcting wage discrimination, Title VII applies to virtually all other aspects of employment. Under Title VII (as well as under Maryland's Fair Employment Practices Law and various local ordinances), employers of over 15 employees must recruit, train and promote all of their employees without the taint of sex discrimination.

To prove sex discrimination in the area of promotions, you must first show the following:

- ✓ There was an available opening;
- ✓ You applied for the promotion (or established an interest in the position if an informal promotion system existed without applications);
- ✓ You were an available candidate for the promotion;

- ✓ You were qualified for the promotion; and

- ✓ You had equal or superior qualifications to those of the person selected for the promotion.

To defend against this "prima facie" showing of discrimination, your employer must identify a specific, non-sex-related reason for why it promoted the other applicant instead of you. Then, it is up to you to demonstrate that the reason stated by the employer is, in fact, a pretext for sex discrimination.

In addition, an employer may not steer its women employees into departments where there is no opportunity for advancement. For example, discrimination may exist where a department is comprised mostly of women, especially if the highest position pays less than similar positions in other departments.

Moreover, a woman should be permitted to make the same career decisions that a man is allowed to make. An employer may not, for example, refuse to offer a married woman a transfer to another city, simply because the employer assumes she will not move, or because the employer does not want to disrupt her family life. Likewise, access to training and apprenticeship programs must be offered to all employees without regard to sex.

Working conditions also must be the same for women as for men. If men are allowed to smoke, take coffee breaks, or eat at their desks, women also must be permitted the same privileges.

Working conditions also include payment for work completed. In many "informal" work arrangements, such as domestic service or baby-sitting (professions dominated by women), employers neglect to observe federal wage and hour laws. These laws require, with few exceptions, that employees be paid at least the minimum wage for all hours worked. "Work" includes all time actually serving the employer, as well as all time spent "on call," which includes all time in which the employee is not free to pursue her own activities and may be summoned for work. Thus, a housekeeper who is expected to remain in her employer's home all day, regardless of whether there is any work to do, is "on call," and must be compensated accordingly.

In cases where employers of domestic servants or others refuse to pay at least the minimum wage for all hours worked, the employee may seek relief under the Fair Labor Standards Act. The best place to begin such an action is by contacting the nearest office of the Wage and Hours Division, listed in most telephone directories under U.S. Government, Department of Labor.

4. Pregnancy

The Pregnancy Discrimination Act ("PDA") and Maryland's Fair Employment Practices Law protect women from discrimination on the basis of pregnancy, childbirth or related medical conditions. Moreover, Executive Order 11246 requires government contractors to provide the same benefits for pregnancy-related conditions as they do for other temporary disabilities.

Under the PDA and Maryland's Fair Employment Practices Law, your employer must treat pregnancy in the same way it treats any other "temporary disability." This means that a disability due to pregnancy must be treated the same as a disability due to pregnancy must be treated the same as a disability due to heart attack, surgery, or the like.

For example, if your employer requires pregnant employees to provide a doctor's statement on the length of leave they will need, the employer must require all temporarily disabled employees to do so. Similarly, if your employer provides insurance for employees to cover temporary disabilities, it must also provide coverage for pregnancy-related expenses similar to the coverage provided for other medical conditions.

Employers are also prohibited from stopping a woman from working at an arbitrary point in her pregnancy, such as six months, seven months, or even nine months, unless the pregnancy poes a potential risk of serious harm to third parties. An employer who excludes all fertile women workers or all pregnant workers from a toxic environment must show that such an exclusion is a bona fide occupational requirement reasonably necessary for actual job performance.

The laws do not require an employer to provide health insurance for abortions unless the mother's life is endangered by the pregnancy or medical complications arise after performance of an abortion. Of course, an employer may provide coverage for abortions if it wishes to do so.

5. Family and Medical Leave

The Family and Medical Leave Act ("FMLA") protects eligible employees from losing their jobs if they need to take time off from work for the care of a newborn or recently adopted child, for their own serious health condition, or to care for a close relative who has a serious health condition. Specifically, the FMLA provides eligible employees with up to 12 weeks of unpaid, job-protected leave during a 12-month period. You are eligible for FMLA coverage if the following applies:

- ✓ your company employs at least 50 people within a 75-mile radius;
- ✓ you have been employed for at least 12 months by your employer; and,
- ✓ you have worked at least 1,250 hours for your employer during the previous 12-month period.

Under the FMLA, you must ordinarily provide 30 days advance notice when the leave is "foreseeable," as in the case of maternity leave. You may also be required to provide your employer with a medical certification of your condition.

For the duration of the FMLA leave, your employer must maintain your health coverage under any group health plan. However, you may be required to pay the premium. In addition, upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Moreover, your use of FMLA leave may not result in the loss of any employment benefit that accrued before the start of your leave.

6. Unions

The National Labor Relations Act ("NLRA") prohibits a union from refusing to represent all of its members. Thus, a union that discriminates against its female members may be subject to discipline by the National Labor Relations Board ("NLRB"). If you feel that your union is discriminating against you on the basis of your sex, you should contact your local office of the NLRB to file a charge.

The NLRA also requires your union to oppose and affirmatively attempt to eliminate any discriminatory practices engaged in by your employer which come within the scope of the union's collective bargaining powers. Examples of areas in which a union should fight for equality include wages, insurance benefits, sick pay, and retirement and pension plans.

Just as a union may sometimes be held responsible for the discrimination of an employer if it fails to act, an international union may under certain circumstances be found liable for the discriminatory practices of its locals. Your local NLRB office can assist you making this determination.

7. Retaliation

It is not necessary to wait until the end of an employment relationship to file a charge of sex discrimination, violation of equal pay laws, or violation of wage and hour laws. Many women file such charges while they are still working, in hopes that the situation will be corrected and that they can continue to work in their jobs free from sex discrimination.

In these cases, it is illegal to fire an employee for filing a charge or for suing her employer for discrimination or violation of some other work-related law. Moreover, your employer may not fire you or make conditions at work so intolerable that you are forced to resign.

Thus, in cases where you have filed a charge against your employer and are later terminated or otherwise retaliated against, you may supplement your charge with an additional allegation of "retaliation." When the agency with which you have filed the charge investigates your claims, your employer will be asked to show non-discriminatory reasons for its post-charge conduct against you.

D. DISCRIMINATION AT THE END OF THE EMPLOYMENT RELATIONSHIP

1. Termination

The laws that protect you from discrimination in hiring or discrimination in the terms and conditions of your employment, also apply to decisions to terminate. Thus, if you feel you have been fired on the basis of your sex, you should consider filing a charge with the EEOC or the MCHR, according to the procedures set forth later in this booklet.

Termination also presents another set of issues relating to discrimination. Historically, unless an employee had a written contract with her employer identifying the length of employment and specific conditions under which the employment could be terminated, the employee could be fired **at will**—that is, for any reason or no reason at all. Courts throughout the United States have set forth a few exceptions to this doctrine.

The first exception, called **wrongful discharge**, exists where the employee's termination violates some mandate of public policy that does not have its own set of procedures for relief. For example, an "at-will" employee cannot be terminated for refusing to break the law, for taking time for jury duty, or for filing a worker's compensation claim. If the employer does terminate the employee for such a reason, the employee may file suit in state court.

In many cases, however, alternative procedures for redress exist, and an employee must follow those procedures prior to filing suit. An employee alleging sex discrimination, for instance, may not immediately file suit in court; she must first file a charge with the EEOC or the MCHR. Similarly, in recent years "whistle blower" statutes have become increasingly prevalent, and in many cases they establish their own procedures for redress, which, again, must always be followed prior to filing suit.

The one possible exception to the rule that persons alleging discrimination must first file a charge with the EEOC or the MCHR exists in cases where fewer than fifteen persons work for the employer, in which case the employer is not covered by Title VII or Maryland's Fair Employment Practices Law. The employee may then file suit in state court alleging wrongful discharge.

The second exception to the "at-will" doctrine exists in the form of a **breach of contract** action. Specifically, in many cases an employer will represent to its employees, by word or by deed, that it will never discharge an employee for non-economic reasons without cause or without following a designated set of procedures. In such cases, a court may find that a contract exists between the employer and the employee and that an arbitrary discharge, or a discharge in the absence of following internal procedures, has violated that contract. (A contract may be found, for example, to exist in a company handbook). Again, however, a person who perceives that she has been discharged because of some discriminatory motive of her employer should always file a charge with the EEOC or the MCHR.

2. Layoffs

The law concerning layoffs is virtually the same as for termination, that is, with a few exceptions, the "at-will" doctrine continues to be the law of the land. Women in layoff situations, however, should be mindful of how they are protected by laws prohibiting discrimination.

When examining a group of people that a single employer has laid off, the question of whether women have been treated differently for the purposes of layoff (disparate treatment)or have been disproportionately impacted by a seemingly neutral layoff policy (disparate impact) may arise. If there appears to be discriminatory treatment or impact based on sex in the context of layoffs, an employee may seek relief under Title VII or Maryland's Fair Employment Practices Law.

V. CHALLENGING DISCRIMINATION

A. Step One: The Charge

In almost every employment discrimination situation, your first step in seeking relief in Maryland is to file a charge (also known as a "complaint") with an administrative agency. The administrative agency will then investigate your claim and try to bring it to some resolution.

In cases involving violations of the federal Equal Pay Act, you do not have to file a charge with the EEOC. Similarly, if you believe your employer has violated the FMLA or the Fair Labor Standards Act (wage and hour law), you may file suit in court without going through the administrative process. You, however, have the option of first filing an administrative charge with the EEOC or the Wage and Hour Division of the Department of Labor, depending on the case.

In each of these instances, if you plan to go directly to court, it is wise to hire an attorney to represent you. While you do not need an attorney to file a charge, an attorney might be helpful in framing and wording your complaint, and advising you about applicable deadlines for filings. An attorney may require an hourly fee for these services, or they may be willing to take your case on contingency.

Attorneys typically only take cases on contingency that they think they can either settle for a good amount or win. In these cases, you will not have to pay an hourly fee, but you will have to cover any expenses, such as filing fees, deposition costs, expert witness fees, etc.

The administrative agencies from which you may seek assistance are detailed below.

1. The Equal Employment Opportunity Commission (EEOC) and the Maryland Commission on Human Relations (MCHR)

The EEOC is the federal agency that handles all initial charges under Title VII and the federal Equal Pay Act (as well as under the Age Discrimination in Employment Act and the Americans with Disabilities Act). The MCHR handles all charges concerning alleged violations of Maryland's Fair Employment Practices Law and Maryland's Equal Pay Act, as well as all charges of discrimination within the Maryland State Government.

The EEOC and the MCHR have a work-sharing agreement which enables an employee in Maryland to file with either agency. In addition, you may also consider filing your charge with the appropriate local administrative agency, as explained below.

To be timely filed with the MCHR, you must file your charge within **six months** of the date that the last discriminatory act or event at issue took place. To be timely filed with the EEOC, you must file within **180 days** of the last discriminatory act (except in cases involving the Equal Pay Act, which requires only that a law suit be filed within two years of the alleged violation, or within three years if the violation is willful).

There are certain circumstances in which an employee who files within 300 days has timely filed, but **do not delay filing a charge** in the hope that this later deadline may apply! If the discrimination is part of a "continuing practice" of your employer (that is, if another, related violation occurred within the six month or 180-day period), then you may file later, but in all cases you must be careful to file with in six months (MCHR) or 180 days (EEOC) of the most recent discriminatory act, or your charge may be time-barred.

Once a charge has been filed with an administrative agency, an investigator will contact the employer, union or employment agency and request further information relating to your charge. The investigator may also contact any witnesses that you suggest. Thus it is essential that you provide the investigator with the names and addresses of witnesses, as well as with all other written documentation of the allegations raised in your charge.

If the agency investigating your charge determines that there is **probable cause** to support your claims, the agency will attempt to negotiate a settlement between you and your employer. At any time after 180 days, you may request a **right to sue letter** even if the agency has not completed its investigation.

Once the right to sue letter is issued, suit in federal court must be filed no later than 90 days after receipt of the "right to sue" letter. The time

limitation, called a statute of limitations, is strictly enforced. Failure to file in a timely manner may result in a dismissal of your case.

If the MCHR finds probable cause to support your claims and no settlement is agreed upon, it will take the case to a public hearing before a hearing examiner who can order relief, including reinstatement and back pay. Because Maryland's Fair Employment Practices Law, unlike Title VII, does not provide for compensatory and punitive damages, you may prefer to file suit on your own behalf in federal court.

2. Wage and Hour Division, United States Department of Labor

If you believe that your employer has violated the Family and Medical Leave Act or the Fair Labor Standards Act, you may either sue directly in federal court or first file a charge against your employer with the local office of the Wage and Hour Division of the Department of Labor. Under these statues, the Department of Labor is authorized to receive, investigate and attempt to resolve complaints. In addition, the Department of Labor is authorized to bring suit against an employer in federal court. Obtaining the assistance of the Wage and Hour Division is a cost-effective alternative to finding a private attorney, whose fees may not be worth the outcome.

3. Office of Federal Contract Compliance (OFCCP)

If your employer has federal contracts in amounts exceeding $10,000, you may file a charge of discrimination with the OFCCP. The OFCCP can stop awards of federal contracts and can recover back pay for employees who are not protected by other laws, such as cases in which fewer than 15 people work for the employer.

A charge must be filed within 180 days of the discriminatory act or event. The OFCCP will investigate the charge unless it decides that the EEOC is the appropriate investigatory agency. Like the EEOC, the OFCCP will attempt to negotiate a settlement between you and your employer.

4. National Labor Relations Board (NLRB)

A union that discriminates against its members on the basis of sex is violating its duty of fair representation as mandated under the National Labor Relations Act. If you feel that your union is discriminating against you and/or other women, you may file an unfair labor practice charge against your union. The NLRB will investigate your charge and, if necessary, negotiate a settlement or pursue further action. Breach of the union's duty of fair representation can be remedied through a suit filed by the NLRB on the employee's behalf in federal court or through unfair labor practice proceedings before the NLRB.

5. Local Agencies

Many counties and cities have human relations commissions or community relations commissions. Some of these commissions perform virtually the same investigative, negotiation and representation duties of the EEOC and the MCHR. Some commissions cover employers with fewer than 15 employees. You should check whether your charge will be automatically filed with the MCHR and the EEOC. If it is not automatically filed with these organizations, you may want to file with the federal or state agency within the appropriate time limits. The MCHR will treat all charges filed with local agencies (listed at the back of this booklet) as filed with the MCHR so long as the charge was filed with the local commission within six months of the discriminatory act or event.

B. Step Two: Negotiations

Prior to investigating your charge, the administrative agency will most likely offer your employer, union or employment agency the opportunity to enter into a pre-investigation settlement. You should be certain of your goals (e.g. reinstatement, re-assignment of a harasser, etc.) when you file your charge so that you may assist the agency in resolving your case as quickly and effectively as possible.

If your employer refuses to enter into a pre-investigation settlement and, after investigation,

is found by the agency to have likely engaged in illegal activity, you may have another opportunity to settle your charge. Again, you should be certain of your goals before you engage in any settlement negotiations.

C. Step Three: the Law Suit

If you have exhausted your administrative remedies (i.e., filed a charge with the EEOC, the MCHR, of the OFCCP), and you are not satisfied with any settlement proposals, you may file suit in state or federal court. As noted above, you need not file a charge before filing suit for violation of the FMLA or the FLSA, although it is wise to at least leave consult with your local office of the Wage and Hour Division of the U.S. Department of Labor.

Note: It is essential that you file your suit within the appropriate statutes of limitations, which are identified in the table following this section.

Before filing suit, you should be aware of the possible costs involved, both emotional and financial. If you retain a lawyer, you will probably be expected to advance costs for the expenses of preparing for trial, including deposition transcripts, copying costs, transportation, etc. Moreover, the litigation process is very intrusive and, if your employer retains an attorney, you will likely be subjected to extensive questioning about your own conduct and background. You should be mindful that your employer's attorney will probably exploit any inconsistencies on your part. Any misrepresentations made by you on your employment application, for example, will possibly return to haunt you.

Simply because the agency investigating your charge did not find evidence of discrimination does not mean that you will be unable to prove your case in court. Often there are facts that the agency has missed or witnesses that it has failed to interview. Nevertheless, if the agency has issued a determination that it did not find evidence of discrimination, your employer's attorney will certainly stress that fact to the judge or jury.

In most cases, you are well advised to be represented by an attorney. An inquiry to friends, relatives, legal aid referral services, or members of women's organizations may help you to locate an attorney who is knowledgeable and experienced in employment matters. Your local Lawyer Referral Service provides attorneys' names and addresses, but will not provide judgments concerning the quality of those lawyers.

In many instances, sex discrimination has affected more than one victim. Where the number of affected women is sizable, a class action may be appropriate so that relief can be extended to all women who suffered discrimination. You should consult an attorney about the efficacy of filing a class-action suit.

Note: If you intend to file a lawsuit, you must be very careful to act within the time permitted by law. If you miss a deadline, you will likely lose your chance to obtain any relief. The following table identifies the deadlines that you must not, under any circumstances, fail to meet.

LAW SUIT LIMITATIONS AND REMEDIES

STATUTE	LIMITATIONS ON FILING SUIT	REMEDIES
Title VII/Pregnancy Discrimination Act	Within 90 days of right to sue letter	Back pay; reinstatement; compensatory and punitive damages; injunctive relief; attorney's fees
Equal Pay Act	Two years after last discriminatory act; three years if act was willful	Up to two years back pay; liquidated (double) damages; injunctive relief; attorneys' fees
FMLA	Two years after last discriminatory act; three years if act was willful	Back pay; liquidated (double) damages; injunctive relief; attorneys' fees
FLSA	Two years after last discriminatory act; three years if act was willful	Back pay; liquidated (double) damages; injunctive relief; attorneys' fees
Maryland Fair Employment Practices Law	Within 90 days of right to sue letter	Back pay; reinstatement
Wrongful Discharge	Three years after discharge	Compensatory and punitive damages

Notes:

1. For information about filing a charge with an administrative agency, which generally must occur prior to filing suit, please consult pages 22 and 23.

2. Under the Maryland Fair Employment Practices law, you may choose to have your case heard at a public hearing before the Maryland Commission on Human Relations rather than file suit.

VI. CONCLUSION

As individuals and as class members, women have won jobs, promotions, reinstatement of seniority, back pay and other relief, thereby compelling employers to realize that discrimination is not only illegal but also costly. You can realize your hard-won rights by calling attention to instances of discrimination and by demanding recourse. In so doing, you will send a message to all employers that sex discrimination in employment will not be tolerated.

Appendix

Equal Employment Opportunity Enforcement Agencies

Equal Employment Opportunity Commission
(Maryland)
10 South Howard St., Third Floor
Baltimore, MD 21202
(410) 962-3932

Office of Federal Contract Compliance
Appraiser Store Building
103 South Gay Street, Room 202
Baltimore, MD 21202
(410) 962-3573

National Labor Relations Board
Appraiser Store Building
103 South Gay Street, 8th Floor
Baltimore, MD 21202
(410) 962-2822

U. S. Department of Labor Wage and Hour Division
Fallon Federal Building
31 Hopkins Plaza
Baltimore, MD 21201
(410) 962-2265

Maryland Commission on Human Relations
6 St. Paul Street, 9th Floor, Suite 900
Baltimore, MD 21202
(410) 767-8600

Annapolis City Human Relations Commission
P.O. Box 6799
Annapolis, MD 21401
(410) 263-7996

Anne Arundel County Human Relations Commission
Anne Arundel Center, Room 405
44 Calvert Street
Annapolis, MD 21401
(410) 222-1200

Baltimore City Community Relations Commission
Equitable Building
10 North Calvert St., Suite 915
Baltimore, MD 21202
(410) 396-3141

Baltimore County Human Relations Commission
Old Court House, Mezzanine Level
400 Washington Ave., Room 106
Towson, MD 21204
(410) 887-5917

Calvert County Commission on Human Resources
P.O. Box 2081
Prince Frederick, MD 20678
(410) 535-1600

City of Cambridge Human Relations Committee
514 Race Street
Cambridge, MD 21613

City of Cumberland Community Relations
Commission
City Hall Plaza
Cumberland, MD 21502
(301) 759-6446

Frederick County Human Relations Department
Winchester Hall
12 East Church Street
Frederick, MD 21701
(301) 694-1109

Harford County Human Relations Commission
220 South Main Street, Room 103
Bel Air, MD 21014
(410) 879-2000 ext. 3327, or ext. 3328

Howard County Office of Human Rights
6751 Columbia Gateway Drive
Columbia, MD 21046
(410) 313-6430

Montgomery County Human Relations Commission
110 North Washington Street, Suite 200
Rockville, MD 20850
(240) 777-8450

Pocomoke City Human Relations Commission
c/o City Manager
P.O. Box 29
Pocomoke City, MD 21851
(410) 957-1334

Prince George's County Human Relations Commission
1400 McCormick Drive, Suite 245
Largo, MD 20774
(301) 883-6170

City of Rockville Human Rights Commission
111 Maryland Avenue
Rockville, MD 20850-2364
(301) 309-3308

St. Mary's County Human Relations Commission
P.O. Box 653
Leonardtown, MD 20650
(301) 475-4632